

INITIAL STATEMENT OF REASONS
Title 13, Division 1, Chapter 1
Article 2. Driver Licenses and Identification Cards

The Department of Motor Vehicles (department) proposes to amend section 20.04 and adopt section 20.05, Title 13 of the California Code of Regulations, relating to Driver Licenses and Identification Cards.

Because government agencies, as well as commercial entities, rely on department issued driver licenses and identification cards as evidence of a person's identity, the department is responsible for ensuring that information collected from a card applicant is accurate. This information includes true full name, birthdate, gender, social security number and address information.

The department is proposing to amend current regulation relating to the process by which an applicant may change the name on his or her driver license or identification card, and adopt new regulation relating to the process by which an applicant may change the gender identified on his or her driver license or identification card due to a transitional or completed gender change. These regulatory changes will enhance the integrity and authenticity of information contained on department issued driver licenses and identification cards. The accuracy of information reported to the department must be consistent with identity information provided to other government agencies to avoid multiple, legally recognized identities.

The department will no longer accept a Medical Information Authorization (Gender Change), form DL 328 (Rev. 11/07) to execute a name change. Individuals wishing to change both their name *and* gender will be required to comply with the procedures set forth in sections 20.04 and 20.05 of this article.

§20.04. Information Required for a Name Change on a Driver License or Identification Card.

Subsection (d)(2) is repealed to separate the application process of a name change and a gender change. This amendment is necessary to standardize the name change criteria for all applicants and card holders. Currently, the department is authorized to change the name appearing on a driver license or identification card with documentation that has not been formally recognized by a competent jurisdiction. The proposed amendments will allow an applicant's name to be changed upon receipt of the following documents:

- Legal presence documents as defined in section 15.00 of Title 13, or
- A document issued by a competent jurisdiction in relation to an adoption, name change, marriage, dissolution of marriage, or documentation verifying the formation of a domestic partnership.

Name changes will no longer be executed solely upon submission of a form DL 328. Adoption of standardize criteria will improve the integrity of California's identity documents.

§20.05. Information Required for a Gender Change on a Driver License or Identification Card.

Subsection (a) is added to require an applicant requesting to change his or her gender identifier to complete a Medical Information Authorization (Gender Change), form DL 328 (Rev. 11/07), which is hereby incorporated by reference and approved by the Office of Administrative Law in file number 01-0516-01 E. This form is to be completed by a licensed physician or psychologist.

Subsection (b) is added to require the form DL 328 to be completed by a licensed physician or psychologist. The doctor is to certify that the gender identifier being requested is consistent with the applicant's gender disposition and gender change status, if applicable.

Subsection (b)(1) is added to require an applicant whose gender change is transitional or incomplete, to submit an updated form DL 328 at every driver license or identification card renewal until he or she submits a form indicating that the gender change has been completed.

Subsection (b)(2) is added to ensure that an applicant whose gender change has been completed will not be required to submit a form DL 328 at subsequent driver license or identification card renewals.